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TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND, a Maryland corporation,

Plaintiff,

vs.

BIG TOWN MECHANICAL, LLC, a  
Nevada limited liability company;  
TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA, a Connecticut  
corporation; DOES I through X; and ROE  
CORPORATIONS I-X; inclusive,

Defendants.

AND RELATED COUNTER-CLAIMS

Case No. 2:13-cv-00380-JAD- GWF

**STIPULATION AND  
ORDER TO RE-FILE TRAVELERS'  
RESPONSE TO FIDELITY'S MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT ON REIMBURSEMENT  
RELATED TO DELAY DAMAGES**

ECF No. 311

Defendant/Counter-Claimant TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA ("TRAVELERS"), by and through its undersigned counsel,

1 and Plaintiff/Counter-Defendant Fidelity and Deposit Company of Maryland ("F&D"), by  
2 and through its undersigned counsel, (collectively referred to herein as the "Parties"),  
3 hereby present this Stipulation and Proposed Order to allow TRAVELERS to re-file  
4 TRAVELERS' Response Brief to F&D's Motion for Partial Summary Judgment on  
5 Reimbursement Related to Delay Damages [ECF No. 287].

6 On November 13, 2017, the Court issued a Minute Order with regard to  
7 TRAVELERS Response to F&D's Motion for Partial Summary Judgment Re: First  
8 Material Breach [ECF No. 296] and Objections [ECF No. 297]. The Court instructed  
9 TRAVELERS to resubmit its Response as a single document within the 30 page limit of  
10 LR 7-3(a) by November 17, 2017, because the combine number of pages of its Response  
11 and Objections exceed the 30 page limit. TRAVELERS will proceed with re-submitting its  
12 Response pursuant to the Court's order.

13 The Parties, through this stipulation, seek to bring to the Court's attention that the  
14 same issue exists with regard to TRAVELERS' Response Brief to F&D's Motion for  
15 Partial Summary Judgment on Reimbursement Related to Delay Damages [ECF No. 287],  
16 that is, TRAVELERS Response [ECF No. 304] and Objections [ECF No. 305] exceed 30  
17 pages.

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1 Accordingly, the Parties request that the Court allow TRAVELERS to re-file its  
2 Response to F&D's Motion for Partial Summary Judgment on Reimbursement Related to  
3 Delay Damages [ECF No. 287] by November 17, 2017.

4  
5 DATED this 13th day of November, 2017.

DATED this 13th day of November, 2017.

6 KOLESAR & LEATHAM

BOOTH, MITCHEL & STRANGE LLP

7 /s/ Ryan T. Gormley, Esq. (with permission)

/s/ David L. Hughes, Esq.

8 RYAN T. GORMLEY, ESQ.

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10 *Attorneys for Fidelity and Deposit Company of  
Maryland*

*Attorneys for Travelers Casualty and Surety  
Company of America*

11 **ORDER**

12 **IT IS SO ORDERED.** The Clerk of Court is directed to strike documents 304 and 305  
13 from the record.

14   
UNITED STATES DISTRICT JUDGE

15 DATED: 11-14-17  
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